

## **EXHIBIT D**

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8 Attorneys for Defendants  
9 CHARMING SHOPPES OF DELAWARE, INC. and  
10 FASHION BUG OF CALIFORNIA, INC.

**ORIGINAL  
FILED**  
LOS ANGELES SUPERIOR COURT

APR 11 2003

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*E. Alvarez*  
BY E. ALVAREZ, DEPUTY

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF LOS ANGELES

13 PATRICIA KOZMINSKI, an individual, on  
14 behalf of all others similarly situated,

15 Plaintiff,

16 vs.

17 CHARMING SHOPPES OF DELAWARE,  
18 INC., a Delaware corporation; FASHION  
19 BUG OF CALIFORNIA, INC., a California  
20 corporation; and DOES 1 through 100,  
21 inclusive,

22 Defendants.

Case No. BC 292065

**DEFENDANTS' ANSWER TO  
PLAINTIFF'S UNVERIFIED  
COMPLAINT**

Date of Filing: March 13, 2003

23 Defendants Charming Shoppes of Delaware, Inc. and Fashion Bug of California, Inc.  
24 ("Defendants"), on behalf of themselves and no other Defendants, hereby respond to the  
25 unverified Complaint of Plaintiff Patricia Kozminksi ("Plaintiff") pursuant to California Code of  
26 Civil Procedure § 431.30(d), by denying generally each and every allegation contained therein  
27 and by asserting the following affirmative defenses:

**First Affirmative Defense**

- 28 1. Plaintiff's Complaint fails to state a claim upon which relief can be granted.

**Second Affirmative Defense**

1. Plaintiff's claims are barred in whole or in part by the applicable statutes of

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1 limitation.

2 **Third Affirmative Defense**

3 3. Plaintiff's claims are barred in whole or in part by the doctrine of unclean hands.

4 **Fourth Affirmative Defense**

5 4. Plaintiff's claims are barred in whole or in part by the doctrine of laches.

6 **Fifth Affirmative Defense**

7 5. Plaintiff's claims are barred in whole or in part by the doctrine of estoppel.

8 **Sixth Affirmative Defense**

9 6. Plaintiff's claims are barred in whole or in part by Defendants' good faith and/or  
10 good faith legal defense.

11 **Seventh Affirmative Defense**

12 7. Plaintiff's claims under California Business and Professions Code §§ 17000 et seq.  
13 violate Lane Bryant's constitutional rights under both the United States and California  
14 Constitutions.

15 **WHEREFORE**, Defendants prays for judgment as follows:

- 16 1. That Plaintiff take nothing by this action;  
17 2. That judgment be entered in favor of Defendants and against Plaintiff;  
18 3. That Defendants be awarded the costs of suit herein incurred;  
19 4. That Defendants be awarded their attorneys' fees according to proof; and  
20 5. That the Court award Defendants such other and further relief as the Court may  
21 deem proper.

22 Dated: April 11, 2003

MORGAN, LEWIS & BOCKIUS LLP  
ANDREW C. PETERSON

24  
25 By 

26 Andrew C. Peterson  
27 Attorneys for Defendants  
28 CHARMING SHOPPES OF  
DELAWARE, INC. and FASHION BUG  
OF CALIFORNIA, INC.

**PROOF OF SERVICE BY MAIL**

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 300 South Grand Avenue, Twenty-Second Floor, Los Angeles, CA 90071-3132. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On April 11, 2003 I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within documents:

**DEFENDANTS' ANSWER TO PLAINTIFF'S UNVERIFIED COMPLAINT**

in a sealed envelope, postage fully paid, addressed as follows:

William E. Harris  
Matthew A. Kaufman  
HARRIS & KAUFMAN  
15260 Ventura Boulevard, Suite 2250  
Sherman Oaks, CA 91403

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 11, 2003 at Los Angeles, California.

